

**CITY OF UNION CITY**

**MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING  
OF APRIL 04, 2002, 7:00 P.M.  
IN THE COUNCIL CHAMBERS OF CITY HALL  
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

**I. ROLL CALL: Commissioners Allen, Mattos, Raymundo, Savage, and Sweeney**

Commissioner Mattos was ill.

**STAFF PRESENT:** Mark Leonard (Community Development Director); John Bakker (Interim Assistant City Attorney); Carlos Jocson (City Engineer); Joan Malloy (Planning Manager); Ralph Kachadourian (Associate Planner); and Patti Wiersma (Administrative Assistant)

**II. APPROVAL OF MINUTES:**

The minutes for the regular Planning Commission meeting of March 21, 2002, were approved as submitted.

**III. ORAL COMMUNICATIONS: None.**

**IV. WRITTEN COMMUNICATIONS: None.**

**V. PUBLIC HEARINGS:**

**A. CONTINUED HEARINGS:**

- 1. AG-01-02, General Plan Amendment; A-01-02, Zoning Map Amendment; VTTM-7369, Vesting Tentative Tract Map; - Nakano Nursery: Initiated by Kenneth L. Riding of The Riding Group, representing the Nakano Family Trust, a request for a General Plan Amendment to redesignate the Nakano Nursery property from R-3-6, (Residential 3 to 6 Units Per Acre) to R-6-10, (Residential 6 to 10 Units Per Acre), a Zoning Map Amendment to rezone the property from RS-6000 (Single-Family Residential) to RS-4500, (Single-Family Residential), and a Vesting Tentative Tract Map for the subdivision of the entire 4.8± acre property into 33 single-family residential lots with a minimum lot size of 4,500 square feet. The project site is located south of Alvarado-Niles Road between Hop Ranch Road and Dowe Avenue (Assessor Parcel Number 475-153-15-2).**

Ralph Kachadourian, Associate Planner, presented the Staff Report and gave a Power Point presentation.

The Planning Commissioners were provided with two items of correspondence: One containing signatures from 49 neighbors who are in support of the project, and one from Dr. Dennis Lee, 2724 Hop Ranch

Road, stating that he is in support of the project, but requested that a survey be conducted by the Riding Group prior to development to determine property lines.

Commissioner Sweeney pointed out that the new condition No. 6 referred to in the new Staff Report should be numbered Condition No. 35, versus No. 6.

Commissioner Raymundo asked if it was determined yet whether the Queen Anne home on the property that was deemed historical will be retained or demolished.

Mr. Kachadourian stated that the applicant is going to obtain a cost analysis, and City staff will determine whether it will be retained or demolished. The intent is to retain the home, and for the applicant to work with the Chief Building Official in applying the more lenient building codes for historical buildings to preserve the home.

Commissioner Raymundo asked what percentage of people in the neighborhood signed the petition.

Mr. Kachadourian stated that the neighbor is in the audience and can answer that question.

Commissioner Allen asked Mr. Kachadourian to explain how the emergency vehicle access (EVA) can be eliminated and still be in compliance with the codes.

Mr. Kachadourian stated that the applicant is looking at a way to possibly build some one-story homes between Lots 19 and 33. He stated that one way of looking at it is to possibly adjust the lot lines and eliminate an EVA. He stated that the Fire Marshall felt that the EVA at Cormorant could be eliminated and the hammerhead expanded, to provide a better turnaround for fire trucks. The EVA at the end of Kildeer Court would need to be retained.

Commissioner Sweeney asked about the hammerhead at Cormorant Court and why it would be acceptable in the future, but is not okay now.

Mr. Kachadourian stated that he did not have an answer to that.

Chairperson Savage opened the Public Hearing.

Ken Riding, President Riding Group, 1 Almaden Blvd., Suite 705, San Jose, stated that they worked with City staff from the beginning to try to come up with something that would be compatible with the neighborhood. He stated that they are fully aware of all the conditions and they are acceptable to them. He explained why they are requesting that the General Plan be changed from RS-6000 to RS-4500 (narrowness of the lot and the Inclusionary Housing Ordinance). He stated the only way they can build single-story houses is to eliminate the EVA, in order to allow for wider lots. He stated that the Fire Department doesn't want to lose the EVA, and expanding the hammerhead would eat into the depth of lots, which is not practical.

Commissioner Raymundo stated that she only saw two signatures on the petition from neighbors on Cormorant Court.

Chairperson Savage asked the applicant if they were able to obtain any type of cost factor on the Queen Anne Home.

Mr. Riding stated that they have not been able to obtain a cost estimate yet. He stated that they have a rough idea, but much will require give and take from the Building Department. He stated that he is not sure the house can be restored, but might have to be replicated, as it is in such poor shape. He stated that a renovation expert would have to be hired to determine whether it can be renovated.

Commissioner Sweeney asked about the cost of a duplex versus single-family houses. She asked about the sizable hedge that forms a screen between Mr. Lum's property and the Nakano property. She asked if the property has been surveyed, and if the hedge is on Mr. Lum's property.

Mr. Riding stated that a duplex would be less expensive to build. He stated that the hedge might be between the Buddhist Church and the property. He stated that if they can do something for Mr. Lum that will protect his visibility and property, they would, and if the hedge has to be removed, they will replace it. He stated that they are going to have the property surveyed.

Commissioner Sweeney stated that the Tentative Tract Map is the same as it was at the last meeting, and that it only shows two-story houses. She stated that there are no lots appropriate for single-story houses, and the Planning Commission really wants some single-story homes. She asked about the possibility of the EVA being shifted to the left-hand curve of Kildeer Court.

Mr. Riding pointed out the EVA on the Preliminary Grading Plan, and demonstrated how they might be able to adjust it, in order to put in two single-story homes.

Mr. Leonard stated that the Fire Department is willing to eliminate the EVA at Cormorant, provided that the hammerhead is widened. He stated that the property line along the west side of Lot 25 can be moved, and each successive lot adjusted accordingly, so that Lot 33 could be 10' wider, allowing a single-story home. A Condition can be made requiring that Lot 33 be widened enough to allow for a single-story home on that lot and another one between Lots 22 and 28. He explained how the hammerhead could be widened.

Mr. Riding stated that they are willing to work with City staff in order to accomplish that.

Commissioner Sweeney stated that she would like to add to the new Condition No. 35 requesting the construction of a single-story home to replace the Queen Anne home, should it have to be demolished.

Mr. Leonard stated that the goal is to keep the house, and he thinks there is enough latitude in the building codes for historical houses that should allow it.

William Lum, 2709 Dowe Ave., stated that he would like to see the home on Lot 33 be single-story. He stated that if the hammerhead can be notched out, that would appease the neighbors. He stated that he is still concerned about the density of the project, and losing his privacy. He stated that most of his concerns were addressed tonight, and that he can work with Mr. Riding regarding the hedge issue.

Pam Burnor, 2733 Cormorant Court, read a letter from one of the neighbors that addressed concerns regarding the EVA, high density of the project, traffic, and parking. She stated that she has three concerns: Increased traffic, additional parking needs, and maintaining the quality of life for anyone in the neighborhood. One-story homes are more conducive. There has been increased traffic through the neighborhood since the Heritage Homes were built. She expressed her concern regarding Caesar Chavez School being turned into a 9<sup>th</sup> Grade School. She provided a film of the traffic on Hop Ranch Road in the morning. She stated that she wants consideration for how traffic is going to be directed from Condor

Road. She stated that many of the owners of the condominiums at The Arbor use the street for parking, and that she is concerned the new homeowners would park on the street. She stated that she supports affordable housing, and encouraged the preservation of the Queen Anne Home. She stated her concern about the petition and that maybe people were given some misinformation. She stated that she thought the neighborhood be best served by maintaining the zoning.

Larry Gissible, 33001 Hop Ranch Court, expressed his support for the development. He stated that he obtained the signatures supporting the project, and only one person he approached objected to it. He stated that he believed the only time there is a traffic problem is before and after school.

Commissioner Raymundo asked if he went to Cormorant Court.

Mr. Gissible stated that they did not and they did not go to every house.

Greg Brent, 2727 Killdeer Court, stated that he is in favor of the project, and that many neighbors also in support. He stated that he thinks the development would increase the value of the homes around it, and would be an asset to the City. He stated that he has lived there for 25 years and traffic has never been an issue. Biggest concern is what will happen to the Nakano property if the homes are not built. He voiced his support for single-family homes and the fear that if the development is not approved that condominiums or apartments may go up in the future.

Consuelo Silva, 2706 Dowe Ave., stated that she has lived in the neighborhood for 18 years and is in support of the development. She encouraged the Planning Commission to approve the plan and only sees a positive outcome of it. She asked if a wall, versus the hedge could be built. She stated that she is in favor of single-family homes, versus duplexes or condominiums, because there will be less traffic and parking problems. She stated that she doesn't think that traffic will be an issue.

Severino Rubiano, 2732 Hop Ranch Road, stated that he is against the project. He stated there is a lot of traffic in the morning and when school gets out. He referred to the Economic Development Strategy Report and stated that if the project does not go through another one will come along. He stated that he would like to see the zoning remain the same. He stated that if Cesar Chavez becomes a 9<sup>th</sup> grade school, traffic would increase.

Andrew Yap, 2722 Cormorant Court, stated that he is concerned about street parking in his neighborhood and traffic is very heavy in morning there. He stated his concerns about the dust level during construction.

Commissioner Raymundo asked Mr. Riding if two or three-car garages. She asked how much the houses are going to sell for.

Mr. Riding stated that each home would have two-car garages, two-car driveways, and at least one parking space on the street in front of each home. The houses will sell for approximately \$500,000 to \$550,000.

Chairperson Savage closed the Public Hearing.

Chairperson Savage referred to the traffic at the school and asked if it would be possible to put a sign up requiring right turn only when exiting the school.

Commissioner Sweeney stated that the traffic problem with the school would not be affected by the development. She pointed out that many houses have been built on 4500 ft. lots and they have not experienced parking problem with them. She stated that she understands the concerns of the neighbors. She stated the concerns she previously had with the project, but with the changes it will probably be the best project they will see on that property.

Commissioner Raymundo moved that the Planning Commission approve the General Plan Amendment, AG-01-02, Zoning Map Amendment, A-01-02, and Vesting Tentative Tract Map, VTTM-7369, subject to the stated conditions with changes and additions, making the specific findings 1-6 in support of the approval. She also moved that the Planning Commission adopt Resolutions confirming these actions and recommend approval by the City Council of the General Plan Amendment AG-01-02, Zoning Map Amendment A-01-02 and Vesting Tentative Tract Map VTTM-7369.

Commissioner Sweeney seconded the motion.

The motion passed by the following vote:

AYES:	4
NOES:	0
ABSENT:	(Mattos)
ABSTAINED:	0

This will be a Public Hearing at the April 23, 2002 City Council meeting.

**B. NEW HEARINGS:** None.

**VI. SUPPLEMENTAL STAFF REPORTS:**

**A. CONTINUED REPORTS:** None.

**B. NEW REPORTS:**

- 1. INFORMATIONAL REVIEW AND UPDATE OF PEDESTRIAN GRADE-SEPARATED CROSSING UNDER THE BART AND UNION PACIFIC RAILROAD TRACKS** – As part of the Phase I implementation of the Station District Plan, the City and Redevelopment Agency (RDA) are designing for construction the pedestrian grade-separated crossing that will connect the P.G. & E. property to the BART Station. This presentation is to brief the Planning Commission on the location, design and operation considerations of the pedestrian grade-separated crossing and receive their comments.

Joan Malloy, Planning Manager, presented the Staff Report and gave a Power Point presentation.

Commissioner Raymundo stated that she liked Alternative A, as it seems to give more flexibility for expansion. She asked why BART is not helping with the funding of the project.

Ms. Malloy explained that the project is spearheaded by the City, and that BART has no funds set aside for the pedestrian grade separation, but they do support it. The Station District will increase rider ship for BART.

Chairperson Savage stated that she thought that BART doesn't have much say in the project.

Ms. Malloy explained that it is on their property, and they have been actively involved in the project and will continue to be. City staff and BART are still working through the maintenance issues, and the discussion has been positive.

Chairperson Savage stated that she thinks the design is too industrial looking. She stated that she would prefer a more rounded design, versus square.

Ms. Malloy stated that the engineer might be able to address that.

Commissioner Sweeney stated that she agrees that the design is too square, but thought a rounded façade at entrance could soften it. She stated that she is appreciative of a west side plaza with a rounded entry, and that an east-sided entry would be much tighter. She asked if there was any way to flare the stairway somehow or to integrate it better with the plaza. She stated that a large break between the two tunnels would provide more daylight. Pedestrians will have to walk further, as it is further to the north, but it is an excellent design.

Ms. Malloy stated that other alternatives required stairs, and this allows emergency vehicles to access it. She stated that it is only one bay further to the north.

Chairperson Savage invited the engineer to come up.

Eric Okada, HNTB Engineers, pointed out that the design is only conceptual at this point, and the Planning Commission's recommendations will be taken into consideration.

Chairperson Savage asked why the tunnel couldn't be round, versus square.

Mr. Okada explained the type of construction necessary for the tunnel.

Chairperson Savage invited members of audience to speak.

Kenneth Ryan, 254 Molokai Circle, referred to Figure 15 and stated his concern with handicap issues and the grade. He stated that he prefers Alternative B versus Alternative A. He thinks emergency auto access could be integrated into the plan. He suggested lowering the grade to 3% for handicap access. He urged them to consider Alternative B, unless the grade can be lowered.

Barry Ferrier, 32212 Allison, stated that future expansion will have more railroad tracks, and asked them to make sure provisions are included for additional rails and also for a parking structure.

Commissioner Sweeney asked if it would be possible to redesign the tunnel to allow for a more shallow grade.

Ms. Malloy stated that the alternative provides for the highest ceiling separation, and the slope could be lessened, but the ceiling would have to be lowered. She stated that 8% grade is consistent with ADA regulations.

Commissioner Sweeney stated that possible expansion of number of railroad tracks also worth looking at.

Ms. Malloy stated that the design of underpass would enable it to be expanded.

Mr. Okada stated that it could be expanded if more rails are added. He stated they are trying to keep it as open as possible.

Commissioner Sweeney stated that Mr. Ferrier's point is well taken to put temporary lot in place.

Ms. Malloy explained the parking and changes that will be made as future phases happen.

Commissioner Sweeney asked how the time line for construction of the pedestrian grade separation coordinates with the time line of the bus facility.

Ms. Malloy stated that the pedestrian grade separation would be the first element. The east plaza will be used for parking. Other elements will tier off of the first phase.

Commissioner Sweeney stated that it is extremely important to set a high standard, so future phases will follow.

Commissioner Raymundo asked if the project will come back to the Planning Commission, and Ms. Malloy stated it would go to the City Council.

Ms. Malloy stated that the staff feels comfortable with Alternative A.

The Planning Commission recommended that the comments from BART and the Planning Commission be forwarded to the City Council for their consideration.

## **VII. COMMISSION MATTERS:**

### **A. Upcoming applications for the Regular Planning Commission Meeting of April 18, 2002.**

## **VIII. GOOD OF THE ORDER:**

Commissioner Sweeney referred to Mr. Ferrier's oral communication at the last Planning Commission meeting regarding berms, and stated that she has driven around and noticed several. She suggested that berms be a minimum of 30" either above the sidewalk or parking lot, whichever is higher.

Mr. Leonard stated that he would issue a memo to staff regarding this.

## **IX. ADJOURNMENT:**

The meeting adjourned at 9:15 p.m.

**APPROVED:**

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ROSEMARY SAVAGE,

CHAIRPERSON

**ATTEST:**

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MARK LEONARD, SECRETARY